

**REMARKS****Status of the Claims**

Claims 1-30 are currently present in the Application, and claims 1, 11, and 21 are independent claims. Claims 1, 2, 7, 11, 12, 17, 21-23, 25, 27-30 have been amended. No claims have been canceled or added in this Amendment.

**Petition to Add Inventor**

Applicants have submitted, under separate cover, a petition to add Harm Peter Hofstee as an inventor to the present Application.

**Continuation-in-Part**

Applicants have amended the Specification to clarify that the present Application is a Continuation-in-Part of 09/816,004 filed on March 22, 2001 with at least one common inventor.

**Information Disclosure Statements**

Applicants note than the Information Disclosure Statement and Form PTO-1449, filed May 16, 2006, has not been considered by the Examiner. Applicants respectfully request that the Examiner consider the Information Disclosure Statement filed May 16, 2006, and return an initialed copy of the Form PTO-1449 with the next Office Action. Applicants have attached a copy of the Information Disclosure Statement, Form PTO-1449, and EFS-Web receipt to this Response.

**Objections to the Specification**

The Office Action notes the use of the trademark "Java" in the application. Applicants have consulted the Sun Trademark and Logo Usage Requirements published at <http://www.sun.com/policies/trademarks/>. Note that Sun always uses the Java trademark with an uppercase "J" and lowercase "ava." Therefore, Applicants have not amended the specification to capitalize the entire word, as requested by the

Examiner, but, rather have used the Java trademark in the manner in which it is used by Sun Microsystems, the owner of the trademark.

Applicants further note that Sun requires that all uses of its trademarks be as adjectives, not as nouns. Examples of proper trademark use, given on Sun's web page, include "the Java platform" and "the Java programming language." Further, note that while "Java" and "JVM" are both trademarks of Sun Microsystems, the descriptive term "virtual machine" does not appear to be a trademark (see list of Sun trademarks at <http://www.sun.com/suntrademarks/>).

Applicants have amended the specification to add the TM symbol to the first use of the Java trademark and the first use of the JVM trademark. No new matter has been entered as a result of these amendments. Based on the above, Applicants respectfully request that the Examiner withdraw the rejection to the specification.

### **Objections to the Drawings**

The Examiner has noted that Figures 1-42 should be designated by a legend such as --Prior Art--. As noted above, Applicants have amended the Application and submitted a new declaration claiming priority to U.S. Application 09/816,004 which was filed on the same day as the patent cited the Examiner (U.S. Patent No. 6,526,491). Therefore, in light of Applicants' amendment to the specification referencing the instant application as a continuation-in-part (CIP) of 09/816,004 filed March 22, 2001 with the same drawings as those found in U.S. Patent No. 6,526,491, the drawings noted by the Examiner are not prior art to the instant application as these drawings appear in the Applicants' parent application (09/816,004). Accordingly, in light of the fact that U.S. Patent No. 6,526,491 is not prior art to the instant application, Applicants respectfully request that the Examiner withdraw the objections to the drawings.

### **Claim Objections**

Claim 11 is objected to due to the use of the term DMA. Applicants have amended claim 11 to spell out the term "Direct Memory Access," and therefore respectfully request that the Examiner remove the objection to claim 11.

Applicants have also amended the claims to remove phrases such as “for” or “adapted” where such phrasing only describes intended functionality. This objection was set forth in the “note:” section found on page 2 of the Office Action. In light of Applicants’ amendments to the claims, Applicants respectfully request that the Examiner withdraw the objections.

### **Double Patenting Rejection**

Claim 11 is provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 17 of copending Application No. 10/670,835. Applicants hereby submit a terminal disclaimer to overcome the double patenting rejection, and therefore respectfully request that the double patenting rejection be removed.

### **Claim Rejections - Alleged Anticipation Under 35 U.S.C. § 102**

Claims 1, 11, and 21 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Suzuoki et al., U.S. Patent No. 6,526,491 (hereinafter Suzuoki). Applicants respectfully traverse the rejections under 35 U.S.C. § 102.

Under separate cover, Applicants have filed a petition to add Harm Peter Hofstee as an inventor of the instant application as Mr. Hofstee was erroneously not listed as an inventor when Applicants’ originally filed the instant application. Mr. Hofstee is a co-inventor of U.S. Patent Application 09/816,004 (the ‘004 application) which also has a co-inventor of Mr. Suzuoki (the first named inventor of the Suzuoki patent). The specification of the ‘004 application and the Suzuoki patent are substantially similar and were filed as part of a set of applications that were filed on the same date (March 22, 2001).

In this Amendment, Applications have amended the specification and claim that the instant application is a continuation-in-part (CIP) application of the ‘004 application. Because the priority date of the instant application (March 22, 2001) is now the same as the filing date of the Suzuoki patent, the Suzuoki patent is not prior art to Applicants’ claimed invention.

In light of Applicants' new declaration (filed under separate cover) and amendment claiming priority to the '004 application, the Suzuki patent is not prior art and therefore claims 1, 11, and 21 are each allowable.

### **Claim Rejections – Alleged Obviousness Under 35 U.S.C. § 103**

Claims 2-9, 12-19, and 22-29 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki. Claims 10, 20, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Suzuki in view of Fiacconi et al., U.S. Patent No. 4,862,354 (hereinafter Fiacconi). Applicants respectfully traverse the rejections under 35 U.S.C. § 103.

Claims 2-9, 12-19, and 22-29 each depend, either directly or ultimately, from an allowable independent claim, as discussed fully above, and are therefore patentable for at least the reasons discussed above with regard to the independent claims. Therefore, Applicants respectfully request that claims 1-30 be allowed.

### **Conclusion**

As a result of the foregoing, it is asserted by Applicants that the remaining claims in the Application are in condition for allowance, and Applicants respectfully request an early allowance of such claims.

Applicants respectfully request that the Examiner contact the Applicants' attorney listed below if the Examiner believes that such a discussion would be helpful in resolving any remaining questions or issues related to this Application.

Respectfully submitted,

By /Joseph T. Van Leeuwen, Reg. No. 44,383/  
Joseph T. Van Leeuwen, Reg. No. 44,383  
Van Leeuwen & Van Leeuwen  
Attorneys for Applicant  
Telephone: (512) 301-6738  
Facsimile: (512) 301-6742